

Senate Amendment 5114

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1 1 Amend Senate File 2345 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. NEW SECTION. 12A.1 PURPOSE ==
1 5 PROGRAM ESTABLISHMENT.
1 6 The purpose of this chapter is to assist resident
1 7 account beneficiaries of health savings accounts to be
1 8 able to fund, as quickly as possible, the amount of
1 9 the annual deductible and maximum out-of-pocket
1 10 amounts under the beneficiary's high deductible health
1 11 plan.
1 12 To fulfill the purpose of this chapter, the office
1 13 of the treasurer of state shall establish a health
1 14 savings account loan program.
1 15 Sec. 2. NEW SECTION. 12A.2 DEFINITIONS.
1 16 For purposes of this chapter, unless the context
1 17 otherwise requires:
1 18 1. "Account beneficiary", "health savings
1 19 account", and "high deductible health plan" mean the
1 20 same as defined in section 223 of the Internal Revenue
1 21 Code.
1 22 2. "Administrative contractor" means the person
1 23 with whom the office of the treasurer of state enters
1 24 into a contract to administer the health savings
1 25 account loan program.
1 26 3. "Internal Revenue Code" means the same as
1 27 defined in section 422.3.
1 28 Sec. 3. NEW SECTION. 12A.3 HEALTH SAVINGS
1 29 ACCOUNT LOAN FUND.
1 30 1. A health savings account loan fund is created
1 31 under the authority of the office of the treasurer of
1 32 state. The fund shall consist of appropriations made
1 33 to the fund and transfers of interest, earnings, and
1 34 moneys from other funds as provided by law. The fund
1 35 shall be separate from the general fund of the state
1 36 and the balance in the fund shall not be considered
1 37 part of the balance of the general fund of the state.
1 38 However, the fund shall be considered a special
1 39 account for the purposes of section 8.53, relating to
1 40 generally accepted accounting principles.
1 41 2. Notwithstanding section 12C.7, subsection 2,
1 42 interest or earnings on moneys in the fund shall be
1 43 credited to the fund.
1 44 3. The moneys in the health savings account loan
1 45 fund are appropriated to the office of the treasurer
1 46 of state for purposes of providing loans to resident
1 47 account beneficiaries of health savings accounts
1 48 pursuant to section 12A.4.
1 49 Sec. 4. NEW SECTION. 12A.4 LOANS == PENALTY.
1 50 1. a. A resident of the state who is an account
2 1 beneficiary and whose balance in the health savings
2 2 account is less than the deductible under the account
2 3 beneficiary's high deductible health plan may apply to
2 4 the administrative contractor for a loan in an amount
2 5 not to exceed the difference.
2 6 b. An individual seeking a loan under this section
2 7 shall apply for the loan on a form approved by the
2 8 administrative contractor and provide the following
2 9 information:
2 10 (1) The amount of the deductible, the balance in
2 11 the health savings account, and the loan sought.
2 12 (2) A list of the major assets and liabilities of
2 13 the individual and the individual's household. The
2 14 treasurer of state shall establish by rule what
2 15 constitutes a major asset or liability.
2 16 (3) Any other health coverage of the individual
2 17 and the corresponding deductible.
2 18 (4) Other information deemed necessary by the
2 19 treasurer of state and administrative contractor.
2 20 c. If the administrative contractor determines
2 21 that the applicant qualifies for a loan and sufficient
2 22 funds are available, the administrative contractor
2 23 shall direct the office of the treasurer of state to
2 24 provide the applicant with a loan equal to the amount

2 25 requested by the applicant, not to exceed the limit
2 26 specified in paragraph "a". The loan shall be on
2 27 terms set by rule of the treasurer of state with
2 28 interest at the rate established under section 421.7.
2 29 The loan shall be deposited into the applicant's
2 30 health savings account. As part of the loan
2 31 agreement, the applicant shall agree that moneys shall
2 32 not be deposited by the applicant into the applicant's
2 33 health savings account until after the loan has been
2 34 repaid.

2 35 2. If an applicant or other person knowingly makes
2 36 a false statement for the purpose of enabling the
2 37 applicant to receive a loan under this section, the
2 38 applicant or other person is guilty of a fraudulent
2 39 practice as described in section 714.8.

2 40 Sec. 5. NEW SECTION. 12A.5 ADMINISTRATIVE
2 41 CONTRACTOR.

2 42 1. An administrative contractor shall be selected
2 43 to administer the health savings account loan program
2 44 through a request for proposals process. The
2 45 treasurer of state, in conjunction with the
2 46 administrator of the division of insurance, shall
2 47 develop the criteria to be included in the request for
2 48 proposals for the selection of any administrative
2 49 contractor for the program. The request for proposals
2 50 shall specify that the maximum amount of remuneration
3 1 payable to the administrative contractor shall not
3 2 exceed five percent of the total amount of loans made
3 3 under the program during the calendar year.

3 4 2. The administrative contractor shall do all of
3 5 the following:

3 6 a. Accept applications for loans under the program
3 7 and determine which applications qualify.

3 8 b. Develop and issue appropriate approval and
3 9 denial notifications to inform applicants of the
3 10 status of their applications.

3 11 c. Notify the office of the treasurer of state of
3 12 the loan applications that have been approved.

3 13 d. Provide periodic reports to the office of the
3 14 treasurer of state.

3 15 e. Perform other duties specified in the contract
3 16 and as required by rule of the treasurer of state.>

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